D. Remarks

The claims are 1 and 2, with claim 1 being independent. Claims 3 and 4 have been cancelled and their subject matter added to claim 1. Claim 2 has been amended as to formal matters. Applicants submit that no new matter has been added by the amendments. Applicants respectfully request reconsideration of the pending claims.

The Examiner objected to the disclosure due to its inclusion of certain trademarks without designation as such. Applicants have, therefore, amended the specification to give due deference to the proprietary nature of the marks used therein. Accordingly, Applicants respectfully request withdrawal of the objection to the disclosure.

Claims 1-3 stand rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Kobori (U.S. Patent No. 6,007,957). Claim 4 stands rejected under 35 U.S.C. §103(a) as obvious over Kobori in view of Doujo (U.S. Patent No. 5,773,183). Applicants respectfully traverse these rejections.

At the outset, Applicants believe that a brief review of the features and advantages of the present invention would be helpful. The present invention is directed to a magnetic toner comprising a polyester binder resin and a specific magnetic iron oxide. In the magnetic iron oxide of the present invention, Si content and Zn content, as well as the concentration of Si atoms and the concentration of Zn atoms on an outermost surface of the magnetic iron oxide, are measured by x-ray photoelectron spectroscopy and are as claimed. The claimed ranges for each of these variables are set so that image density is high, generation of fogging is suppressed, excellent image density stability is achieved when producing many copies in a low temperature and low humidity environment, and excellent

image quality can be obtained. Examples 1 and 4 of the present specification illustrate the advantageous results that can be achieved by employing the magnetic toner of the present invention as presently claimed.

Kobori discloses a magnetic toner using a magnetic iron oxide containing Si and Zn. However, typical of a magnetic iron oxide used in Kobori is a Zn content ranging from 0.5 to 0.6, with the pH in the final stage of the oxidation reaction being 8 (column 22, lines 60-64; column 24, table 1; columns 29-30, table 3). In view of these teachings and based on the experience of the present inventors, the concentration of Zn atoms in an outermost surface of the magnetic iron oxide of Kobori would be significantly less than the 1.00% which is the lower limit claimed in the present invention. In addition to failing to disclose or suggest the presently employed magnetic iron oxide, as noted by the Examiner, Kobori also fails to disclose or suggest the use of a polyester binder resin. At least for these reasons, Kobori fails to anticipate or render obvious the present invention.

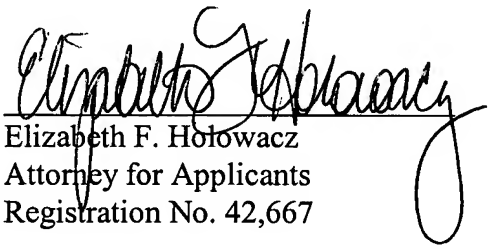
Doujo does not remedy the deficiencies of Kobori. While Doujo is cited by the Examiner for its disclosure related to the desirability of employing a polyester binder resin, Doujo is silent with respect to the specific magnetic iron oxide used in the present invention. Accordingly, the combination of Kobori and Doujo is ineffective to render the present invention obvious, as it fails to disclose or suggest one of the present invention's key features - namely, a magnetic iron oxide of specific Si, Zn and Fe contents, concentrations and ratios. Therefore, Applicants respectfully request withdrawal of the prior art rejections.

In view of the foregoing amendments and remarks, favorable reconsideration and passage to issue of the present case is respectfully requested. If, upon

consideration of this paper, the Examiner believes there are any outstanding issues, it is respectfully requested that the Examiner contact the undersigned attorney in an effort to expeditiously resolve such issues.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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